

to requests for clarification from the Commission.

Impact on the Price Cap. The Postal Service proposes to treat the program, for purposes of the price cap, as if it were a negotiated service agreement subject to 39 CFR 3010.24. *Id.* at 8. The Postal Service signals its intent to ignore the net price decrease resulting from the program, and for purposes of the price cap, calculate revenues for the volumes as though they paid the appropriate non-discounted rates. *Id.* at 8; 39 CFR 3010.24(a). Therefore, the Postal Service makes no calculation of cap or price changes as described in 39 CFR 3010.14(b)(1) through (4). Notice at 8.

Objectives and Factors, Workshare Discounts, and Preferred Rates. The Postal Service lists the relevant objectives and factors of 39 U.S.C. 3622, and claims that the program supports several factors and is unlikely to impact the ability of Standard Mail (as a class) to cover its costs. *Id.* at 8–13. The Postal Service also asserts that, to the extent it affects workshare discounts, the program will shrink them, keeping discounts with a passthrough of 100 percent or less in compliance, and bringing passthroughs over 100 percent closer to compliance. *Id.* at 13. The Postal Service also indicates that Standard Mail letters and flats entered at nonprofit prices will be eligible for the same rebate, and since the rebate is a fixed percentage, the 60 percent differential between regular and nonprofit prices will remain unchanged. *Id.*

Mail Classification Schedule (MCS) Language. The Postal Service addresses 39 CFR 3010.14(b)(9) in Appendix A of its Notice. *Id.* at 1. This rule requires that the notice include all the changes to the product descriptions within the MCS that are necessitated by the planned price adjustments. These changes are presented based on draft MCS language being developed by the Commission in cooperation with the Postal Service. The draft MCS will be the subject of a future rulemaking, which will include the opportunity for public comment. The Postal Service provides the proposed MCS revisions in Appendix A.

III. Commission Action

The Commission establishes Docket No. R2009–3 to consider all matters related to the Notice as required by 39 U.S.C. 3622. The Commission's rules provide for a 20 day comment period starting from the date of the filing of the Notice. See 39 CFR 3010.13(a)(5). Interested persons may express views and offer comments on whether the planned changes are consistent with the

policies of 39 U.S.C. 3622 and 39 CFR part 3010. Comments are due no later than May 21, 2009.

The Commission appoints Richard A. Oliver and Kenneth R. Moeller to represent the interests of the general public in this proceeding. See 39 U.S.C. 505. Pursuant to rule 3010.13(c), the Commission will issue its determination in this proceeding by June 4, 2009.

IV. Ordering Paragraphs

It is Ordered:

1. The Commission establishes Docket No. R2009–3 to consider matters raised by the Postal Service's May 1, 2009 filing.

2. Interested persons may submit comments on the planned price adjustments. Comments are due May 21, 2009.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Richard A. Oliver and Kenneth R. Moeller to represent the interests of the general public in this proceeding.

4. The Commission directs the Secretary of the Commission to arrange for prompt publication of this Notice in the **Federal Register**.

By the Commission.

Steven W. Williams,

Secretary.

[FR Doc. E9–10862 Filed 5–8–09; 8:45 am]

BILLING CODE 7710–FW–P

SMALL BUSINESS ADMINISTRATION

Small Business Size Standards: Waiver of the Nonmanufacturer Rule

AGENCY: U.S. Small Business Administration.

ACTION: Notice of intent to waive the Nonmanufacturer Rule for Product Service Code (PSC) 9130—Liquid Propellants—Petroleum Base.

SUMMARY: The U. S. Small Business Administration (SBA) is considering granting a waiver of the Nonmanufacturer Rule for PSC 9130—Liquid Propellants—Petroleum Base. According to a request, no small business manufacturers supply these classes of products to the Federal government. If granted, the waiver would allow otherwise qualified nonmanufacturer to supply the products of any manufacturer on a Federal contract set aside for small businesses, service-disabled veteran-owned small businesses, or participants in the SBA's 8(a) Business Development Program.

DATES: Comments and source information must be submitted May 26, 2009.

ADDRESSES: You may submit comments and source information to Pamela M. McClam, Program Analyst, Small Business Administration, Office of Government Contracting, 409 3rd Street, SW., Suite 8800, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Ms. Pamela M. McClam, by telephone at (202) 205–7408; by FAX at (202) 481–4783, or by e-mail at Pamela.mcclam@sba.gov.

SUPPLEMENTARY INFORMATION: Section 8(a)(17) of the Small Business Act (Act), 15 U.S.C. 637(a)(17), and SBA's implementing regulations provide that recipients of Federal contracts set aside for small businesses, service-disabled veteran-owned small businesses, or participants in the SBA's 8(a) Business Development Program must provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor of the product. This requirement is commonly referred to as the Nonmanufacturer Rule. 13 CFR 121.406(b), 125.15(c). Section 8(a)(17)(b)(iv) of the Act authorizes SBA to waive the Nonmanufacturer Rule for any "class of products" for which there are no small business manufacturers or processors available to participate in the Federal market.

In order to be considered available to participate in the Federal market for a class of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from the Federal government within the last 24 months. 13 CFR 121.1202(1). The SBA defines "class of products" based on a six digit coding system. The coding system is the Office of Management and Budget North American Industry Classification System (NAICS). In addition, SBA uses product service codes to identify particular products within the NAICS code to which a waiver would apply.

The SBA is currently processing a request to waive the Nonmanufacturer Rule under NAICS code 324110, for Petroleum Refineries, PSC 9130—Liquid Propellants—Petroleum Base.

The public is invited to comment or provide source information to SBA on the proposed waivers of the Nonmanufacturer Rule for this class of products within 15 days after date of publication in the **Federal Register**.

Karen C. Hontz,

Director for Government Contracting.

[FR Doc. E9–10926 Filed 5–8–09; 8:45 am]

BILLING CODE 8025–01–P

SECURITIES AND EXCHANGE COMMISSION**Sunshine Act Meeting**

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission will hold an Open Meeting on Wednesday, May 13, 2009 at 10 a.m., in the Auditorium, Room L-002.

The subject matter of the Open Meeting will be:

The Commission will hear oral argument in an appeal by Thomas C. Bridge, James D. Edge, and Jeffrey K. Robles from the decision of an administrative law judge. The law judge found that Bridge, a registered representative formerly associated with A.G. Edwards, and Charles Sacco, another former A.G. Edwards registered representative who settled a related Commission proceeding against him, willfully violated Section 17(a) of the Securities Act of 1933, Section 10(b) of the Securities Exchange Act of 1934, and Exchange Act Rule 10b-5 by taking action to "continue market timing after they had been restricted from doing so" by registered investment companies. The law judge further found that Edge, Bridge's supervisor, failed reasonably to supervise Bridge with a view to preventing his antifraud violations, and that Robles, Sacco's supervisor, failed reasonably to supervise Sacco.

For these violations, the law judge imposed the following sanctions: Bridge was ordered to cease and desist from violating or causing violations of the antifraud provisions, to disgorge approximately \$40,000 plus prejudgment interest, to pay a \$250,000 civil penalty, and to serve a one-year suspension from associating with a broker or dealer. Edge and Robles were both ordered to pay a \$250,000 civil penalty, were barred from associating with a broker or dealer in a supervisory capacity, and were suspended from associating with a broker or dealer in any capacity for thirty days.

Among the issues likely to be argued are whether Bridge's and Sacco's conduct in connection with their market timing activity was fraudulent, whether Edge and Robles provided reasonable supervision under the circumstances, and, if so, whether and to what extent sanctions should be imposed on them.

Commissioner Casey, as duty officer, determined that no earlier notice thereof was possible.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary at (202) 551-5400.

Dated: May 7, 2009.

Elizabeth M. Murphy,
Secretary.

[FR Doc. E9-11015 Filed 5-7-09; 11:15 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION**Sunshine Act Meeting**

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission will hold an Open Meeting on Thursday, May 14, 2009 at 10 a.m., in the Auditorium, Room L-002.

The subject matter of the Open Meeting will be:

The Commission will consider custody-related matters, including whether to propose amendments to rule 206(4)-2 under the Investment Advisers Act of 1940 and related forms and rules. The proposed amendments would enhance the protections provided advisory clients when they entrust their funds and securities to an investment adviser. If adopted, the amendments would require investment advisers having custody of client funds and securities to obtain a surprise examination by an independent public accountant, and, unless the client assets are maintained with an independent custodian, obtain a review of custodial controls from an independent public accountant.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 551-5400.

Dated: May 7, 2009.

Elizabeth M. Murphy,
Secretary.

[FR Doc. E9-11077 Filed 5-7-09; 4:15 pm]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-59861; File No. SR-NYSEArca-2009-33]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change Relating to the Listing and Trading of Safety First Trust Certificates Linked to the Dow Jones Industrial Average

May 5, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on April 22, 2009, NYSE Arca, Inc. ("NYSE Arca" or the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and is approving the proposed rule change on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NYSE Arca, through its wholly-owned subsidiary NYSE Arca Equities, Inc. ("NYSE Arca Equities" or the "Corporation"), proposes to list under NYSE Arca Equities Rule 5.2(j)(7) ("Trust Certificates") Safety First Trust Series 2009-2, Principal-Protected Trust Certificates Linked to the Dow Jones Industrial Average. The text of the proposed rule change is available on the Exchange's Web site at <http://www.nyx.com>, at the Exchange's principal office and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item III below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.